



Questions & Answers on Makah Gray Whale Draft Environmental Impact Statement

(May 9, 2008)

Q. What is this document?"

A. NOAA's Fisheries Service is releasing a draft environmental impact statement (DEIS), in response to the Makah Indian Tribe's request to hunt gray whales. The tribe's request included a detailed proposal about the hunt – how many whales that would be hunted, in what areas and during what time of year. Before NOAA Fisheries Service can decide how to respond to the tribe's request, it must analyze the effect on the human environment of approving the hunt as proposed by the tribe, as well as a range of alternatives to the tribe's proposal. Such an analysis is required by the National Environmental Policy Act, or NEPA.

Q. Does the draft EIS contain NOAA Fisheries' decision on the Makah Tribe's request to hunt gray whales?

A. No. The draft EIS analyzes the potential impact of implementing alternative actions, one of which is the tribe's proposal. The agency will consider public comments on its analysis before recommending a preferred course of action. If NOAA Fisheries Service makes a preliminary decision to authorize hunting, several more steps must be completed before a permit would be issued.

Q. What other alternatives are analyzed in the document?

A. One alternative NOAA Fisheries Service must consider is not approving the tribe's request, referred to as the no-action alternative. In addition to the no-action alternative and the tribe's proposal, NOAA Fisheries has considered four other alternatives, all of which would allow the tribe to hunt gray whales. These alternatives examine the impact of different aspects of a hunt, such as the number of whales that could be hunted, and the area and time of year in which hunting could occur.

Q. How did NOAA Fisheries Service choose the alternatives to analyze?

A. When the agency announced its intention to prepare this EIS, it asked the public to submit written comments on what alternatives and what impacts to consider. NOAA Fisheries also held four public meetings to get input on alternatives and impacts. NOAA also consulted with its internal experts and considered NEPA documents it had prepared earlier in response to previous requests from the tribe.

Q. How does the unauthorized hunt by five tribal members in September 2007 affect this document or the agency's decision-making?

A. The draft EIS includes a discussion of the unauthorized hunt, and any factual information from that incident that might affect the analysis of the alternatives. Legal proceedings against the individuals are a separate matter for the federal and tribal criminal justice systems. All of the

individuals have been convicted in federal court, and all five are currently awaiting trial in tribal court. Sentences have not been issued in the federal proceeding.

Q. How is the document organized?

A. The first chapter of the document contains background information. The second chapter describes the alternatives NOAA Fisheries Service is considering, including the tribe's detailed request and the no-action alternative. The third chapter describes the current status of the environment, which is discussed under various resources (such as water quality, gray whales, and tourism). Chapter 3 sets the stage for chapter 4, which analyzes how each resource would be affected by implementing each of the alternatives. A table at the end of chapter 2 summarizes the alternatives and compares the impacts of each alternative on each resource. Finally, chapter 5 addresses the cumulative effect of implementing the proposed action on the environment. The cumulative effect is determined by comparing impacts expected from the tribe's proposed action with other past, present, and reasonably foreseeable future actions that have bearing on the same environment.

Q. What is expected of the public?

A. NOAA Fisheries Service is asking the public to review the document and comment on the analyses, and will consider all information provided by the public before deciding how to proceed. Comments are due July 8, 2008.

NOAA Fisheries will hold public meetings on this draft EIS as follows:

- (1) May 28, 2008, 6:30 p.m. - 9:30 p.m., Vern Burton Memorial Community Center, 308 East 4th Street, Port Angeles, Wash
- (2) June 2, 2008, 6:30 p.m. - 9:30 p.m., Lake Union Park Armory-Great Hall, Seattle, 860 Terry Avenue North, Wash.
- (3) June 5, 2008, 10:00 a.m. - 1:00 p.m., NOAA Auditorium, 1301 East-West Highway, Silver Spring, Md.

Q. What would be involved in approving the tribe's request?

A. The Marine Mammal Protection Act (MMPA) generally imposes a moratorium on killing marine mammals, including gray whales. The Makah Tribe asked NOAA Fisheries Service to waive that moratorium and issue regulations authorizing the tribe to conduct a ceremonial and subsistence whale hunt. Chapter 1 of the document describes in detail what process is involved in issuing a waiver and regulations. Among other things, the agency would publish a proposed waiver and regulations, which would be considered by an administrative law judge in a formal on-the-record hearing. If the regulations were finally adopted, the agency would issue a permit to the tribe, as prescribed under the MMPA.

Q. When will NOAA Fisheries Service make a decision on the tribe's request?

A. After considering public comments, NOAA Fisheries' Northwest Region will make a preliminary decision as to whether the MMPA moratorium should be waived and regulations should be issued. That decision could come as early as the end of the year. The final decision would be made by the head of the agency, after formal rulemaking and a recommendation from the administrative law judge. It is not possible to predict how long it might take for the administrative law judge process.

Q. Where can I get more information?

A. The draft EIS and additional information related to it can be accessed in electronic form on the Internet at: <http://www.nwr.noaa.gov/Marine-Mammals/Whales-Dolphins-Porpoise/Gray->

[Whales/Makah-Whale-Hunt.cfm](#). The DEIS also may be viewed at various libraries identified at this Internet address or at the following NOAA Fisheries Service offices: (1) NOAA Fisheries Service Protected Resources Division, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232, contact Steve Stone at 503-231-2317; and (2) NOAA Fisheries Service Protected Resources Division, 7600 Sand Point Way NE, Building 1, Seattle, WA 98115-6349, contact Josephine Evans at 206-526-6150. Copies of the DEIS are also available on CD by contacting [Steve Stone](#), NOAA Fisheries Service Northwest Region, 503-231-2317.